

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Chapter 7

BMT DESIGNERS & PLANNERS, INC.,  
fdba BMT D&P, fdba BMT fdba BMT DAS US,

Case No. 22-10123 (MG)

Debtor.  
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**ORDER, PURSUANT TO 11 U.S.C. §§ 105(a) AND 721, AUTHORIZING THE  
CHAPTER 7 TRUSTEE TO OPERATE THE DEBTOR'S BUSINESS AND PAY  
CERTAIN OPERATING EXPENSES OF THE ESTATE AND RELATED RELIEF**

Upon the motion ("Motion," ECF Doc. # 193)<sup>1</sup> of Salvatore LaMonica, solely in his capacity as the Chapter 7 Trustee ("Trustee") of the Debtor, BMT Designers & Planners, Inc., fdba BMT D&P, fdba BMT fdba BMT DAS US, Estate, by his counsel, LaMonica Herbst & Maniscalco, LLP, seeking the entry of: (i) an Order, pursuant to Bankruptcy Code sections 105(a) and 721, authorizing the Trustee to continue to operate the Debtor's business with the assistance of the Debtor's former employees and officers as independent contractors of the estate from May 4, 2023 through August 3, 2023; (ii) an interim Bridge Order, pursuant to Bankruptcy Code sections 105(a) and 721, authorizing the Trustee to operate the Debtor's business and pay related expenses while the Motion is pending from May 4, 2023 until the Hearing currently scheduled for **June 1, 2023 at 11:00 a.m.**, or as soon thereafter as counsel may be heard; and (iii) related relief; and upon the Court having entered a Bridge Order authorizing the Trustee to operate the Debtor's business and pay related expenses from February 3, 2023 until the Hearing [ECF Dkt. # 194]; and upon the Trustee having served the necessary parties in accordance with Bankruptcy Rule 2022, with an Affidavit of Service having been filed with the Court [ECF Dkt. # 195]; and upon the video Hearing having been conducted on **June 1, 2023 at 11:00 a.m.**, the record of which is incorporated

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the definition ascribed to them in the Motion.

herein by reference; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and there having been no objections to the relief sought in the Motion raised at the Hearing; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found and determined that the relief sought in the Motion is in the best interest of the Estate, and its creditors and all parties in interest and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefore, it is hereby:

ORDERED, that the Motion is granted as set forth herein; and, it is further

ORDERED, that the Trustee is authorized to operate the Debtor's business and pay the necessary expenses for an interim period, from May 4, 2023 through and including August 3, 2023, without prejudice to seek further extensions of such authority; and, it is further

ORDERED, that the Trustee is authorized, as he deems necessary, to hire and pay the Debtor's former officers and employees as independent contractors to assist with the wind down of the Debtor's business, including, but not limited to, the settlement negotiations with Vigor; and, it is further

ORDERED, that, pursuant to Bankruptcy Code section 704(a)(8), the Trustee shall prepare and file monthly operating business reports on the appropriate form issued by the U.S. Trustee; and, it is further

ORDERED, that the Trustee is authorized and empowered to expend such funds and execute and deliver all documents as are reasonably necessary to implement the terms of this Order; and, it is further

ORDERED, that this Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

**IT IS SO ORDERED.**

Dated: June 1, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge